

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Enoch Sowah	Team: Squad #7	CCRB Case #: 201902212	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 03/12/2019 6:00 PM	Location of Incident: 96th Street 6 Train Subway Station	Precinct: 19	18 Mo. SOL 9/12/2020	EO SOL 4/29/2021	
Date/Time CV Reported Tue, 03/12/2019 6:37 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 03/12/2019 6:37 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Alen Mariano	29304	944116	TB DT04
2. POF Jenny Reyes	21420	959925	TB DT04

Officer(s)	Allegation	Investigator Recommendation
A.POM Alen Mariano	Force: Police Officer Alen Mariano used physical force against § 87(2)(b)	
B.POM Alen Mariano	Abuse: Police Officer Alen Mariano threatened to arrest § 87(2)(b)	
C.POM Alen Mariano	Abuse: Police Officer Alen Mariano refused to provide his name to § 87(2)(b)	
D.POM Alen Mariano	Abuse: Police Officer Alen Mariano refused to provide his shield number to § 87(2)(b)	
E.POF Jenny Reyes	Abuse: Police Officer Jenny Reyes refused to provide her name to § 87(2)(b)	
F.POF Jenny Reyes	Abuse: Police Officer Jenny Reyes refused to provide her shield number to § 87(2)(b)	

### Case Summary

On March 12, 2019, § 87(2)(b) called the CCRB and filed this complaint.

On March 12, 2019, at approximately 3 p.m., Police Officers Alen Mariano and Jenny Reyes of Transit District 4 allegedly ejected § 87(2)(b) from the 96<sup>th</sup> Street and Lexington Avenue subway station in Manhattan. PO Mariano allegedly used physical force against § 87(2)(b) (**Allegation A: Force**, § 87(2)(g)), allegedly threatened to arrest him (**Allegation B: Abuse of Authority**, § 87(2)(g)). PO Mariano and PO Reyes allegedly refused to provide their names and badge numbers to § 87(2)(b) upon request (**Allegations C through F: Abuse of Authority**, § 87(2)(g)).

No arrest or summonses resulted from this incident. There is also no video evidence for this case.

### Findings and Recommendations

**Allegation (A): Abuse of Authority: Police Officer Alen Mariano used physical force against**

§ 87(2)(b)

**Allegation (B): Abuse of Authority: Police Officer Alen Mariano threatened to arrest** § 87(2)(b)

**Allegation (C): Abuse of Authority: Police Officer Alen Mariano refused to provide his name to** § 87(2)(b)

**Allegation (D): Abuse of Authority: Police Officer Alen Mariano refused to provide his shield number to** § 87(2)(b)

**Allegation (E): Police Officer Jenny Reyes refused to provide her name to** § 87(2)(b)

**Allegation (F): Police Officer Jenny Reyes refused to provide her name to** § 87(2)(b)

§ 87(2)(b) (BR01) said that he went to the subway station and gave several MetroCards to the MTA station officer, identified via investigation as § 87(2)(b) and asked that the funds on the MetroCards be transferred onto a single MetroCard. § 87(2)(b) allegedly failed to transfer all the funds onto one MetroCard. § 87(2)(b) approached two uniformed officers, identified via investigation as PO Jenny Reyes and PO Alen Mariano (BR09), who were standing approximately 10 feet away and were writing an unidentified male a summons, and asked to file a theft of services complaint against § 87(2)(b).

PO Mariano after issuing the unidentified man the summons, allegedly told § 87(2)(b) that the officers would not help him because there was no basis for his complaint. § 87(2)(b) asked to speak with a supervisor, and began to record the officers on his cell phone. PO Mariano allegedly grabbed § 87(2)(b)'s left arm, and attempted to take § 87(2)(b)'s cell phone from § 87(2)(b)'s right hand, but was unsuccessful. § 87(2)(b) said none of the officers interfered with his ability to record this incident on his cell phone, but failed to present a copy of the video the investigation. As such, an interference with recording device allegation was not plead).

PO Mariano allegedly then pushed § 87(2)(b) and together with PO Reyes ejected § 87(2)(b) from the subway station. PO Mariano allegedly threatened to arrest § 87(2)(b) for trespassing if he returned to the subway station. § 87(2)(b) allegedly asked PO Mariano and PO Reyes for their names and shield numbers, but the officers ignored § 87(2)(b) and returned to the subway station.

§ 87(2)(b) (BR02), PO Mariano (BR03), and PO Reyes (BR04), all confirmed being at the subway station at the time of this incident, but had no recollection of this incident. PO Mariano and PO Reyes said the only law enforcement action they took at the subway station was to issue the unidentified man a summons, and their memo book entries corroborate their accounts (BR05). PO Mariano and PO Reyes did not recall ejecting § 87(2)(b) from the subway station, did not recall threatening to arrest § 87(2)(b) nor did they recall refusing to provide their names and shield numbers to § 87(2)(b)

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- § 87(2)(b) [redacted]  
[redacted]  
[redacted]
- PO Mariano has been a member-of-service for 12 years and has been a subject in four CCRB complaints and four allegations, none of which were substantiated, § 87(2)(g) [redacted]  
[redacted]
- PO Reyes has been a member-of-service for three years and has been a subject in one CCRB complaint and one allegation, which was not substantiated, § 87(2)(g) [redacted]  
[redacted]

#### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) [redacted] declined to mediate this complaint.
- On September 25, 2019, a Notice of Claim inquiry was sent to the NYC Office of the Comptroller, and the inquiry is still pending. The results will be added to the case file upon receipt (BR07).
- § 87(2)(b) [redacted]  
[redacted]  
[redacted]

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Title & Name

\_\_\_\_\_  
Date